

REMARKS

The preceding claim amendments and the following remarks are submitted as a full and complete response to the Office Action issued on April 9, 2007. Claim 3 has been cancelled, and claims 1-2 and 4-16 are currently pending. Applicants respectfully request entry of the claim amendments and favorable reconsideration of the application.

Claims 4-16 have been objected to under 37 C.F.R. § 1.75(c) as being in improper form. After reviewing the application, Applicant respectfully submits that the improper claim form of multiple dependent claims depending from multiple dependent claims was corrected by a Preliminary Amendment received by the USPTO on October 6, 2005, according to PAIR. Thus, we respectfully request that this objection be withdrawn.

Claims 1-16 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action objects to the use of the term "preferably" in claim 1. Applicants have removed the phrase "preferably a plurality of" from the language of claim 1, and thus claim 1 is not indefinite. Because claim 1 is not indefinite, dependant claims 2 and 4-16 are not indefinite.

Claims 1-2 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Kam, U.S. Patent Application 2004/0037447. Kam is generally directed to a rectangular panel-form loudspeaker. In response, the Applicant has incorporated

the subject matter of claim 3 into the body of claim 1. As stated in the Office Action, Kam does not disclose the limitations previously found in claim 3. Specifically, the Office Action states, "Kam does not clearly teach that the foam constitutes a core selected from among the following: Plexiglass.TM. foam with closed cells of a density ranging from 30 to 100 kg/m.sup.3, typically 50 kg/m.sup.3 PVC; (polyvinylchloride) foam with closed cells of a density ranging from 50 to 200 kg/m.sup.3; polystyrene foam with closed cells of a density ranging from 15 to 40 kg/m.sup.3." Therefore, claim 1 is now clearly allowable over this reference, and claim 2 is also allowable because it depends from claim 1.

Claim 3 has been rejected under 35 U.S.C. § 103(a) as being obvious in light of Kam and Inoue, U.S. Patent No. 6,378,649. Specifically, the Examiner cites Col. 6, Ln. 22-40 of Inoue as disclosing the closed cell foams found in claim 3. This portion of the specification describes materials, including polystyrene that can be used as a "second non-woven fabric layer", however, Inoue goes on to state:

Therefore, the disadvantage of the conventional flat vibrating plate employing a foamed polystyrene [sic], in that the strength of the vibrating plate cannot be maintained when the vibrating plate is made thin, can thus be resolved. Accordingly, a very thin vibrating plate can be obtained. In fact, a flat speaker member of the present invention can withstand vibration even when the thickness of the member is approximately 0.2 mm. Furthermore, the flat speaker member of the present invention has high internal loss. As a result, break up vibration, which a problem is a conventional flat vibrating plates that employs a foamed polystyrene material or an aluminum honeycomb, is prevented satisfactorily. Therefore the peak-dip difference can be reduced. The peculiar, characteristic sound that is generated by conventional flat speakers can thus be prevented.


Col. 12, Ln. 11-26 (emphasis added). Thus, Inoue generally teaches away from the use of a foam vibrating plate. One of ordinary skill in the art following the teachings of Inoue would be led away from the current invention, and more specifically led away from the use of a closed cell foam core. Therefore, the limitations previously found in claim 3 and now incorporated into claim 1 are not obvious in light of the cited references. Applicant requests that this application be allowed to pass to issuance.

In the event that this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with additional fees that may be due with respect to this paper may be charged to Counsel's Deposit Account No. 02-2135.

In light of the foregoing, Applicants submit that all outstanding rejections have been overcome, and the application is in condition for allowance. Thus, Applicants respectfully request early allowance of the application. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

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